

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI

CARLA NIEKAMP)	
)	
Plaintiff,)	
v.)	CASE NO. 20-CV-04075-WJE
)	
STATE OF MISSOURI, et al.,)	
)	
Defendants.)	

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

COME NOW defendants, pursuant to Fed.R.Civ.P. 56, and respectfully moves the Court to enter summary judgment in their favor because there is no genuine issue of material fact that defendants are entitled to judgment as a matter of law. In support of this motion, defendants state:

1. This is an action for employment discrimination alleging claims for unequal pay due to sex (Count I), for retaliation (Count II), and for associational discrimination (Count III).

2. Count III has been dismissed. (Doc 20, p. 8)

3. The undisputed facts of record establish that defendants are entitled to judgment as a matter of law for the following reasons:

A. There no claim in Count I under the Equal Pay Act because any pay differential was based on factors other than sex.

B. There is no claim in Count II for retaliation because there is no evidence of an adverse employment action.

C. There is no claim in Count II for constructive discharge because there is no evidence that working conditions were such that a reasonable person would find them intolerable.

4. Along with this Motion, defendants file their Suggestions In Support of Defendants' Motion for Summary Judgment along with Statement of Uncontroverted Material Facts, which are incorporated herein as if fully set out.

WHEREFORE, for the above stated reasons, as well as for the reasons stated in their Suggestions In Support of Defendants' Motion for Summary Judgment, defendants respectfully requests that this Court enter judgment in their favor along with their costs, and for whatever further relief the Court deems proper.

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CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of June 2022, I filed the foregoing document with the Clerk of Court using the CM/ECF system, to be served on all counsel of record.

/s/ Peter Houser

Peter A. Houser

Assistant Attorney General